

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

In re: Lion Air Flight JT 610 Crash

DIAN DANIATY BINTI UDIN ZAENUDIN;
M.B.M., a minor by and through his guardian ad
litem Dian Daniaty Binti Udin Zaenudin

,

Plaintiffs,

v.

The Boeing Company,

Defendant.

Lead Case No. 18-cv-07686

This document relates to
Case No. 1: 19-cv-2987

Honorable Thomas M. Durkin

**JOINT MOTION FOR DISMISSAL OF PLAINTIFFS' CLAIMS
WITH PREJUDICE AND APPROVAL OF MINOR SETTLEMENTS**

Pursuant to Local Rule 17.1, Plaintiff Dian Daniaty Binti Udin Zaenudin, individually, as Legal Representative of the Estate of Muhammad Nasir Bin Huzaifah, and as Guardian of minor child M.B.M., moves this Court for an order approving the Parties' settlement agreement and dismissing Plaintiffs' claims relating to the death of Decedent with prejudice. In support of this motion, Plaintiff Zaenudin states as follows:

FACTS

1. Decedent was a passenger on board a Boeing 737 MAX 8 aircraft, registered as PK-LQP ("Subject Aircraft") and operated by PT Lion Mentari Airlines as Lion Air Flight JT 610 en route from Jakarta, Indonesia to Pangkal Pinang, Indonesia on October 29, 2018.
2. Flight JT 610 crashed into the Java Sea off the coast of Jakarta shortly after takeoff, killing all 189 persons aboard the airplane, including Decedent.
3. Plaintiff Zaenudin, on behalf of herself and a minor heir, M.B.M. (2 years old), has asserted wrongful death and survival claims against Defendant arising out of Decedent's death.

4. Plaintiff Zaenudin and the Decedent's minor heir are represented by attorneys from the law firms of Girardi Keese and Edelson PC. Plaintiffs' counsel have extensively investigated the legal issues and factual bases underlying the causes of action, including Plaintiffs' theory of liability, injuries, and claims for damages, as well as Defendant's legal positions and defenses, including its anticipated *forum non conveniens* motion. Plaintiffs' counsel have investigated and evaluated these aspects of the matter on behalf of M.B.M., who is the natural child of Plaintiff Zaenudin and Decedent, and who has suffered similar injuries and incurred similar damages.

PLAINTIFFS' ALLEGATIONS

5. Plaintiffs filed this lawsuit against Defendant on March 15, 2019, asserting claims for wrongful death based on theories of products liability and negligence.

6. Plaintiffs alleged that Boeing designed, manufactured, assembled, and sold the Subject Aircraft, and that the Subject Aircraft was defective.

7. Plaintiffs alleged that as the direct and proximate result of the alleged defective condition of the Subject Aircraft, the Subject Aircraft crashed into the Java Sea off the coast of Jakarta, Indonesia, resulting in the death of Decedent.

8. Plaintiffs further alleged that as a direct and proximate result of the alleged defective condition of the Subject Aircraft, Decedent's heir has suffered loss of support, loss of net accumulations, loss of household services, loss of care, comfort, companionship, guidance, and mental anguish, sorrow, and grief.

PLAINTIFFS' DAMAGES

9. At the time of his death, Decedent Muhammad Nasir Bin Huzaifah was 29 years old. Decedent earned approximately \$23,000.00 USD per year.

10. The Decedent is survived by:
 - a. Wife, Dian Daniaty Binti Udin Zaenudin; and
 - b. Minor Son, M.B.M. (2 years old).

DEFENDANT'S POSITION AND DEFENSES

11. Defendant denies that the accident aircraft was defective and further denies that any act or omission by it proximately caused this crash.

SETTLEMENT AGREEMENT

12. The Parties reached an agreement to settle the claims in this case only after participating in three separate in-person mediation sessions with retired Cook County Circuit Court Chief Judge Donald P. O'Connell.

13. As a condition of the settlement, Plaintiffs have agreed to keep the terms of the settlement confidential, including the settlement amount. A sealed declaration identifying the settlement amount has been provided to the Court separately.

14. In negotiating this settlement, Plaintiffs' counsel considered a number of issues, including the strength of Plaintiffs' claims against Defendant, as well as Defendant's defenses (both asserted and anticipated), including the viability of its anticipated *forum non conveniens* motion.

15. Plaintiffs' counsel is experienced in the representation of families of victims of international airplane accidents. Plaintiffs' counsel believes the settlement amount, as well as the allocation of that amount to the minor plaintiff, is fair and reasonable.

16. Likewise, Judge Donald O'Connell, who has presided over aviation matters as both a judge and mediator, believes that this settlement is fair and reasonable.

17. Plaintiffs' counsel has fully explained the above facts to Plaintiff Zaenudin, as

legal representative of Decedent's estate and guardian of Decedent's minor heir, and Plaintiff Zaenudin agrees that the settlement amount is fair and reasonable.

18. Accordingly, Plaintiffs respectfully request that the Court grant approval of the settlement and dismiss the action with prejudice.

WHEREFORE, the Parties respectfully request that this Court enter an Order:

- a. Finding Plaintiffs' counsel are independent attorneys representing the interests of the minor plaintiff, M.B.M., and are competent to represent the interests of minor plaintiff and next of kin that are members of the same family;
- b. Approving the Parties settlement of the claims of the minor plaintiff, M.B.M.;
- c. Dismissing this action with prejudice and without costs against Defendant and retaining jurisdiction to effectuate settlement; and
- d. Granting any other relief as this Court may deem just.

Respectfully submitted,

Dated: March 4, 2020

/s/ Ari J. Scharg

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Dated: March 4, 2020

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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2020, I electronically filed the foregoing document with the Clerk of Court, using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Ari J. Scharg_____